

### Remarks

## Amendments to the claims

Claim 9 has been amended to include the limitation that, "the securing member being further configured to be moveable to a second position in response to an authorization command." (Emphasis added.) Support for this amendment is found in the specification at least at page 13 lines 11-24. Claims 10 and 11 (which depend from claim 9) have been similarly amended to recite the "authorization command" of (now-amended) claim 9. Claim 16 has been amended to correct an antecedent basis problem at line 9 ("a first position" was previously recited in line 7).

## Provisional Election of Single Invention

A restriction requirement has been imposed upon the Applicant under 35 U.S.C. 121. The Examiner has noted in the application five separate inventions as follows: Invention I corresponding to claims 1-8; Invention II corresponding to claims 9-15; Invention III corresponding to claims 16-20; Invention IV corresponding to claims 21-25; and Invention V corresponding to claims 26-29;. Accordingly, the Applicant is required to elect a single invention for prosecution at this time.

In response, the Applicants hereby provisionally elect Invention II, corresponding to claims 9-15, for prosecution under 35 U.S.C. 121. However, this election provisional is being with traverse. In the event that the restriction requirement, as set forth by the Examiner, is overcome by the following traverse, the Applicants elect the invention corresponding to claims 1-20.

(Continued on next page.)

1        Traverse with respect to "Inventions I, II and III"

2        The Applicants contend that claims 1-8 of "Invention I", claims 9-15 (as amended)  
3 of "Invention II", and claims 16-20 of "Invention III", are not separate inventions, but are  
4 in fact one invention, and that and that restriction is therefore improper. Specifically:

5        The Examiner has stated that "Inventions I, II and III" are "distinct", and therefore  
6 restriction is proper. MPEP § 802.01 defines "distinct" as follows: "The term 'distinct'  
7 means that two or more subjects are related, . . ., but are capable of separate  
8 manufacture, use or sale as claimed AND ARE PATENTABLE OVER EACH OTHER ...."  
9 (Emphasis in original.) As stated in MPEP § 806.05, "Where two or more related  
10 inventions are being claimed, the principle question to be determined in connection with  
11 a requirement to restrict ... is whether or not the inventions are distinct. If they are  
12 distinct, restriction may be proper. If they are not distinct, restriction is never proper."  
13 (Emphasis added.)

14        The procedures for determining whether a combination and subcombination are  
15 distinct are set forth in MPEP § 806.05(b) as follows: "In order to establish that  
16 combination and subcombination inventions are distinct, two-way distinctiveness must  
17 be demonstrated. [ ] The inventions are distinct if it can be shown that a combination as  
18 claimed: (A) Does not require the particulars of the subcombination as claimed for  
19 patentability (to show novelty and unobviousness), and (B) the subcombination can be  
20 shown to have utility either by itself or in other and different relations." (Emphasis  
21 added.) Accordingly, if the subcombination cannot be shown to have utility either by  
22 itself or in other and different relations, then the combinations are not distinct, and  
23 restriction is not proper.

24        Here, in independent claims 1, 9 and 16, the subcombination comprises:

25        • first and second connectors;

1           • a securing member configured to move between first and second  
2            positions, to arrest relative movement between the connectors in one of  
3            the positions, and allow relative movement between the connectors in the  
4            other position; and  
5           • wherein movement of the securing member is in response to an  
6            authorization command.

7  
8           The Applicants contend that this subcombination renders claims 1, 9 and 16 as  
9           being incapable of being distinct from one another, as the subcombination cannot be  
10           shown to have utility either by itself or in other and different relations.

11  
12           Summary

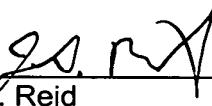
13           The Applicants believe that the election of a single invention as set forth herein  
14           above constitutes a full and complete response to the Office action. The Applicants pray  
15           that the Examiner will agree that, in light of the above arguments, the alleged  
16           "Inventions" set forth in claims 1, 9 and 16 are indeed not distinct, and will consider  
17           claims 1-20 as being a single invention.

18           The Examiner is respectfully requested to contact the below-signed  
19           representative if the Examiner believes this will facilitate prosecution toward allowance of  
20           the claims.

21           Respectfully submitted,

22           Robert Rust and Thom Ives

23           Date: October 10, 2003

24           By   
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Amendment "A" - Election